

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:12CR31
(Judge Keeley)

MOSHE DAVID SHARABI,

Defendant.

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S
RECOMMENDATION THAT DEFENDANT'S GUILTY PLEA BE ACCEPTED**

On June 6, 2012, defendant, Moshe David Sharabi, appeared before United States Magistrate Judge John S. Kaul and moved the Court for permission to enter a plea of GUILTY to Count Five of the Indictment. The Court had referred the guilty plea to the magistrate judge for the purposes of administering the allocution pursuant to Federal Rule of Criminal Procedure 11, making a finding as to whether the binding plea was knowingly and voluntarily entered, and recommending to this Court whether the binding plea should be accepted. On June 7, 2012, Magistrate Judge Kaul entered an order finding a factual basis for the plea and recommended that this Court accept the plea of guilty to Count Five of the Indictment.

The magistrate judge also directed the parties to file any written objections to the report and recommendation within fourteen (14) days after service of the report and recommendation. The

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magistrate judge further directed that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based on the report and recommendation.

The parties did not file any objections. Accordingly, this Court finds that the magistrate judge's recommendation should be **AFFIRMED** and **ACCEPTS** the plea of guilty to Count Five of the Indictment.

It is so **ORDERED**.

The Court directs the Clerk of Court to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: September 10, 2012

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE